

**REMARKS**

Claims 1-18 are pending in this application. Applicants appreciate the Office Action's indication that claims 3-5, 11-13 and 16-18 contain allowable subject matter.

By this Amendment, claims 1, 9, 12, 14 and 17 are amended to obviate informalities, and not for substantial reasons related to patentability.

Reconsideration of the application in light of the foregoing claim amendments and the following remarks is respectfully requested.

The Office Action objects to claims 14-18. Claim 14 is amended to obviate an informality. Accordingly, withdrawal of the objection to claims 14-18 is respectfully requested.

The Office Action rejects claim 7 under 35 U.S.C. §101, asserting that the claimed invention in claim 7 lacks patentable utility. This rejection is respectfully traversed.

Claim 7 depends from claim 1. Claim 1 is not rejected under 35 U.S.C. §101. Thus, the subject matter recited in claim 1 is assumed to be patentable under 35 U.S.C. §101.

By virtue of its dependency from claim 1, claim 7 recites all the limitations recited in claim 1. Thus, at least the subject matter recited in claim 7, that is incorporated from claim 1, is patentable subject matter under 35 U.S.C. §101.

Claim 7 recites an additional limitation. The recitation of the additional limitation does not negate the fact that the subject matter recited in claim 7 is patentable subject matter under 35 U.S.C. §101.

In view of the above, the subject matter recited in claim 7 is patentable subject matter under 35 U.S.C. §101. Thus, the subject matter recited in claim 7 does not lack patentable utility. Accordingly, withdrawal of the rejection of claim 7 under 35 U.S.C. §101 is respectfully requested.

The Office Action rejects claims 1, 6, 8, 9 and 14 under 35 U.S.C. §103 over U.S. Patent Publication 2003/0028266 to Jacques in view of U.S. Patent Publication 2003/0065409 to Raeth et al. ("Raeth") and further in view of U.S. Patent 6,473,084 to Phillips et al. ("Phillips"). This rejection is respectfully traversed.

The Office Action asserts that Jacques, Raeth and Phillips, in combination, disclose or suggest the subject matter recited in claims 1, 9 and 14. However, one of ordinary skill in the art would not have been motivated to combine Phillips with Jacques.

Jacques discloses using a model to estimate the behavior of an apparatus, and using the estimated result to control the behavior of the apparatus. See paragraphs 0020 and 0022. Thus, the purpose for estimating the behavior of the apparatus is to use the estimated result to control the behavior of the apparatus.

On the other hand, Phillips is directed to prediction input used in forecasting contests. See col. 1, lines 7-10; and col. 6, lines 54-64. Phillips discloses giving more weight to clustered predictions that have historically better prediction accuracies. See col. 11, lines 46-52. However, the weights are merely used in forecasting, such as in wagering event related to stock market or a Super Bowl game. See col. 1, lines 14-17. Thus, the weights are used only in attempts to match the result of an event. The weights are not provided for controlling the outcome of the event.

In view of the above, Phillips is not directed to controlling the behavior of an apparatus. One of ordinary skill in the art would not have been motivated to combine Phillips with Jacques because in the Jacques system, which controls behavior, there is simply no need for or benefit to be gained from, predicting behavior as per Phillips.

Furthermore, Jacques, Raeth and Phillips, even if combined, do not disclose or suggest predicting future behavior of a multiple actuator-sensor smart matter dynamic control system using a plurality of control system models, and using at least one more successful

control system model with an increased weight to control the multiple actuator-sensor smart matter dynamic control system, as recited in claim 1, and similarly recited in claims 9 and 14.

As discussed above, Phillips discloses giving more weight to more accurate clustered predictions only for predicting the outcome of an event. Phillips does not disclose or suggest giving more weight to more-accurate clustered predictions for controlling the behavior or the event. Thus, the alleged combination of Jacques and Phillips, at most, would only disclose using increased weight of a model in predicting the behavior of an apparatus. Such an alleged combination would not disclose or suggest increasing weight to a model in controlling the behavior of the apparatus. Therefore, even if combined, Jacques and Phillips would not have resulted in predicting future behavior of a multiple actuator-sensor smart matter dynamic control system using a plurality of control system models, and using at least one more-successful control system model with the increased weight to control the multiple actuator-sensor smart matter dynamic control system, as recited in claim 1, and similarly recited in claims 9 and 14. Hence, Jacques, Raeth and Phillips, even if combined, do not disclose or suggest the subject matter recited in claims 1, 9 and 14, and claims 6 and 8 depending therefrom.

For any or all of the above reasons, withdrawal of the rejection of claims 1, 6, 8, 9 and 14 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 2, 10 and 15 under 35 U.S.C. §103(a) over Jacques in view of Raeth and further in view of Phillips and U.S. Patent 5,602,761 to Spoerre et al. ("Spoerre"). This rejection is respectfully traversed.

Spoerre discloses monitoring and diagnosing a machine condition. See col. 4, lines 3-4. Spoerre does not disclose or suggest predicting future behavior of a multiple actuator-sensor smart matter dynamic control system using a plurality of control system models, and using at least one more successful control system model with increased weight to control the

multiple actuator-sensor smart matter dynamic control system, as recited in claim 1, and similarly recited in claims 9 and 14. Therefore, Spoerre does not supply the subject matter lacking in Jacques, Raeth and Phillips.

For at least the above reason, Jacques, Raeth, Phillips and Spoerre do not disclose or suggest the subject matter recited in claims 1, 9 and 14, and claims 2, 10 and 15 depending therefrom. Accordingly, withdrawal of the rejection of claims 2, 10 and 15 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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